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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/643,619

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Armando Jesus Argumedo

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09/06/2006

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EXAMINER

KLIMOWICZ, WILLIAM JOSEPH

ART UNIT

PAPER NUMBER

2627

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/643,619

**Applicant(s)**

ARGUMEDO ET AL.

**Examiner**

William J. Klimowicz

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iino (US 6,817,563 B2) in view of McAllister et al. (6,304,416 B1).

As per claims 1, 11 and 18, Iino (US 6,817,563 B2) discloses a magnetic-tape cartridge (10), and a method for transmitting data between a memory device in a magnetic-tape cartridge and an external reading device, comprising: a cartridge case (12, 14) having orthogonal walls in parallelepiped configuration and a slanted wall (22) between two of the orthogonal walls (12A, 14A); and a memory device (24) capable of communication through a magnetic field (e.g., an electromagnetic field - see COL. 3, lines 11-16) propagated from the slanted wall along a plurality of transmission axes (axes along devices (62, 64)).

Additionally, as per amended claim 1 and 18, the slanted wall is recessed with respect to one of the orthogonal walls. That is, e.g., the bottom wall (which is an orthogonal wall) as seen in Figure 1 of Iino (US 6,817,563 B2) *recesses* away from its bottom plane surface. Thus slanted wall (22) which can be considered a part of the bottom of wall (14) as seen in Figure 1, “slants” upward, or recesses upward to meet the front sidewall of the cartridge as seen in Figure 1.

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Looking at Figure 2 of Iino (US 6,817,563 B2), it is seen that the slanted wall (22) recesses away from the bottom wall by an angle of  $\theta$ .

As per claims 2, 13 and 20, wherein said memory board is positioned at about 45 degrees with respect to said two of the orthogonal walls of the case. See, e.g., COL. 4, line 7.

As per claims 3, 4, 14 and 21, wherein said slanted wall (22) connects a rear wall and a bottom wall of the case (14). See FIG. 1.

As per claims 5, 6, 15 and 22, wherein said memory board (24) is adjacent to an interior surface of the slanted wall (22) - FIG. 1.

As per claims 7, 8, 16 and 23, wherein said memory board (24) is adjacent to an exterior surface of the slanted wall (22).

As per claims 9 and 10, wherein said slanted wall (22) connects a rear wall and a side wall of the case (10) - FIG. 1

Additionally, as per claim 11, Iino (US 6,817,563 B2) further discloses a system for communicating with a memory chip (24) in a magnetic-tape cartridge, comprising: a case (10) for said cartridge having orthogonal walls (12A, 14A) in parallelepiped configuration and a slanted wall (22) between two of the orthogonal walls (12A, 14A); a memory chip (24) connected to said memory device and capable of communication through a magnetic field propagated from the slanted wall; and a reading element connected to an external reading device in magnetic-field communication with the chip.

As per claims 12 and 19, wherein said reading element (62/64) in operation is positioned within a space demarcated by a corner defined by an intersection between planes extending from said two of the orthogonal walls (12A, 14A) (e.g., a top wall and a side front wall).

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With regard to claims 1, 11 and 18, however, Iino (US 6,817,563 B2) remains silent with respect to wherein the memory board (24) includes an antenna for providing the electromagnetic information coupling.

Such antennas provided expressly within tape cartridges of the type disclosed by Iino (US 6,817,563 B2) **and on the memory chips boards**, for electromagnetic coupling between a memory chip on a memory board are notoriously old and well known and ubiquitous in the art; such fact being capable of instant and unquestionable demonstration as being well-known.

As just a example, McAllister et al. (6,304,416 B1) discloses an analogous tape cartridge and memory board in the same field as the Applicants' endeavor. More concretely, McAllister et al. (6,304,416 B1) discloses a system and method provide information from a tape cartridge in two axes of the tape cartridge. A memory device is attached to the tape cartridge. At least one data transmitting antenna is provided in communication with the memory device. The data transmitting antenna is mounted to the tape cartridge at an angle to effectively transmit data to two axes of the tape cartridge. The data is transmitted using magnetic fields. Power is supplied to the memory device and the data transmitting antenna using magnetic fields.

McAllister et al. (6,304,416 B1) also discloses wherein the memory device is mounted on the same substrate as the antenna - see COL. 2, lines 53-54.

Given the disclosure of the general knowledge of one having ordinary skill in the art as exemplified by McAllister et al. (6,304,416 B1) and/or, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the memory board (24) of Iino (US 6,817,563 B2) with a conventional antenna, as disclosed by McAllister et al. (6,304,416 B1), wherein the teaching of McAllister et al. (6,304,416 B1) also provides for

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wherein the memory device is mounted on the same substrate as the antenna - see COL. 2, lines 53-54 of McAllister et al. (6,304,416 B1), such that the combination of Iino (US 6,817,563 B2) with McAllister et al. (6,304,416 B1) would provide for a chip and its antenna being integrated (affixed thereto) into the slanted wall, as per amended claim 11.

The rationale is as follows: one of ordinary skill in the art would have been motivated to provide the memory board (24) of Iino (US 6,817,563 B2) with a conventional antenna, as disclosed by McAllister et al. (6,304,416 B1) in order to provide information exchange and/or power in a non-contact manner to the memory board within the cartridge of Iino (US 6,817,563 B2), as is known, as suggested and exemplified by McAllister et al. (6,304,416 B1).

As per claim 17, although Iino (US 6,817,563 B2) in combination with McAllister et al. (6,304,416 B1), does not expressly disclose a protective coating over the chip antenna, Official notice is taken that protective coatings over memory chip antennae are notoriously old and well known and ubiquitous in the art; such Officially noticed fact being capable of instant and unquestionable demonstration as being well-known.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a conventional protective film over the antenna of McAllister et al. (6,304,416 B1), as applied to Iino (US 6,817,563 B2), as is known in the art.

The rationale is as follows: one of ordinary skill in the art would have been motivated to a conventional protective film over the antenna of McAllister et al. (6,304,416 B1), as applied to Iino (US 6,817,563 B2), as is known in the art. In order to protect the antenna from damage, as is well known, established and appreciated in the art.

***Response to Arguments***

Applicant's arguments filed July 25, 2006 have been fully considered but they are not persuasive.

The Applicant alleges in the Amendment and Response filed on July 25, 2006 at page 8:

Applicants believe that neither Iino nor McAllister, taken singularly or in combination, teach or suggest a magnetic-tape cartridge with a case having a slanted wall which is recessed with respect to the orthogonal walls as claimed. Iino teaches a slanted wall 22 which is not recessed. McAllister does not teach a slanted wall.

As set forth in the rejection, *supra*, however, the Examiner respectfully disagrees with the Applicant's assertion, at least with regard to the claims as presently drafted. More concretely,

Iino (US 6,817,563 B2) discloses a magnetic-tape cartridge (10) wherein the slanted wall is recessed with respect to one of the orthogonal walls. That is, e.g., the bottom wall (which is an orthogonal wall) as seen in Figure 1 of Iino (US 6,817,563 B2) *recesses* away from its bottom plane surface. Thus slanted wall (22) which can be considered a part of the bottom of wall (14) as seen in Figure 1, "slants" upward, or recesses upward to meet the front sidewall of the cartridge as seen in Figure 1. Looking at Figure 2 of Iino (US 6,817,563 B2), it is seen that the slanted wall (22) recesses away from the bottom wall by an angle of  $\theta$ .

As recited MPEP§2106:

Office personnel are to give claims their ***broadest reasonable interpretation*** in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). ***Limitations appearing in the specification but not recited in the claim are not read into the claim.*** *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969). *In re Zletz*, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) ("During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow. . . . The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and

breadth of language explored, and clarification imposed. . . . An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process.”). [Emphasis in bold italics added].

Moreover, one must also bear in mind that limitations contained within Applicant’s arguments cannot be read into the claims for the purpose of avoiding prior art. *In re Sporck*, 386 F.2d 924, 155 USPQ 687 (CCPA 1968).

The Applicant alleges in the Amendment and Response filed on July 25, 2006 at page 9:

Again, Applicants believe that neither Iino, nor McAllister teaches or suggests a chip antenna connected to a memory chip, and alternatively disposed on an exterior surface of the slanted wall, or integrated into the slanted wall as presently claimed. Iino does not teach a chip antenna. McAllister teaches an antenna provided within a tape cartridge for electromagnetic coupling, but does not teach the placement of the antenna either on an external surface of a slanted wall of the cartridge or incorporated into the slanted wall.

The Examiner again disagrees with the Applicant’s assertion, based upon the facts as evidenced by the combination of McAllister et al. 6,04,416 B1) and Iino (US 6,817,563 B2), taken as a whole, and expressive suggestion referenced therein.

More concretely, Iino (US 6,817,563 B2) admittedly remains silent with respect to wherein the memory board (24) includes an antenna for providing the electromagnetic information coupling.

Such antennas provided expressly within tape cartridges of the type disclosed by Iino (US 6,817,563 B2) ***and on the memory chips boards***, for electromagnetic coupling between a memory chip on a memory board are notoriously old and well known and ubiquitous in the art; such fact being capable of instant and unquestionable demonstration as being well-known.



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As just a example, McAllister et al. (6,304,416 B1) discloses an analogous tape cartridge and memory board in the same field as the Applicants' endeavor. More concretely, McAllister et al. (6,304,416 B1) discloses a system and method provide information from a tape cartridge in two axes of the tape cartridge. A memory device is attached to the tape cartridge. At least one data transmitting antenna is provided in communication with the memory device. The data transmitting antenna is mounted to the tape cartridge at an angle to effectively transmit data to two axes of the tape cartridge. The data is transmitted using magnetic fields. Power is supplied to the memory device and the data transmitting antenna using magnetic fields.

McAllister et al. (6,304,416 B1) also discloses wherein the memory device is mounted on the same substrate as the antenna - see COL. 2, lines 53-54.

Given the disclosure of the general knowledge of one having ordinary skill in the art as exemplified by McAllister et al. (6,304,416 B1) and/or, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the memory board (24) of Iino (US 6,817,563 B2) with a conventional antenna, as disclosed by McAllister et al. (6,304,416 B1), wherein the teaching of McAllister et al. (6,304,416 B1) also provides for wherein the memory device is mounted o the same substrate as the antenna - see COL. 2, lines 53-54 of McAllister et al. (6,304,416 B1), such that the combination of Iino (US 6,817,563 B2) with McAllister et al. (6,304,416 B1) would provide for a chip and its antenna being integrated (affixed thereto) into the slanted wall, as per amended claim 11, in order to provide information exchange and/or power in a non-contact manner to the memory board within the cartridge of Iino (US 6,817,563 B2), as is known, as suggested and exemplified by McAllister et al. (6,304,416 B1).

As set forth in the MPEP§ 706, “the standard to be applied in all cases is the “preponderance of the evidence” test. In other words, an examiner should reject a claim if, in view of the prior art and evidence of record, it is more likely than not that the claim is unpatentable.” Clearly, the Examiner has established that one of ordinary skill in the art would *reasonably* construe the one-to-one correspondence with each and every element of the *claimed* invention, in the manner set forth in the rejection, *supra*, by at least the *preponderance* of the evidence. The Applicant’s arguments have fallen well short of rebutting the Examiner’s *prima facie* case of obviousness.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

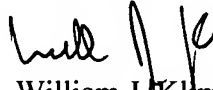
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Klimowicz whose telephone number is (571) 272-7577. The examiner can normally be reached on Monday-Thursday (6:30AM-5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Thi Nguyen can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
William J. Klimowicz  
Primary Examiner  
Art Unit 2627

WJK